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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING RE SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED IN WHOLE OR IN PART
UPON INVESTMENT IN OCEAN
ATLANTIC \$9,425,000 LOAN**

Date of Hearing: May 9, 2011
Time of Hearing: 2:00 p.m.
Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE
OCEAN ATLANTIC \$9,425,000 LOAN. THE USACM TRUST CONTENDS THAT**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 **YOU DO NOT HAVE A VALID CLAIM BASED UPON YOUR INVESTMENT IN**
2 **THIS LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN**
3 **MAKING THAT INVESTMENT AND USACM DID NOT GUARANTEE**
4 **REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT IMPACT**
5 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
6 **DIFFERENT LOAN.**

7 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
8 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
9 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
10 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
11 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
12 **HINDERAKER (520-629-4430).**

13 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
14 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based in Whole or
15 in Part Upon Investment in the Ocean Atlantic \$9,425,000 Loan (with Certificate of
16 Service) (the "Objection"). Your Proof of Claim number and other information regarding
17 your claim is provided in **Exhibit A**, attached to the Objection. The USACM Liquidating
18 Trust has requested that this Court enter an order, pursuant to section 502 of title 11 of the
19 United States Code (the "Bankruptcy Code") and Rule 3007 of the Federal Rules of
20 Bankruptcy Procedure (the "Bankruptcy Rules"), disallowing your Proof of Claim to the
21 extent it is based upon an investment in the Ocean Atlantic \$9,425,000 Loan. The
22 Objection will not impact your Claim to the extent it is based upon an investment in a
23 different loan.

24 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
25 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
26

Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
May 9, 2011, at the hour of 2:00 p.m.

NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON MAY 9, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.

NOTICE IS FURTHER GIVEN that pursuant to Local Rule 9014(d), any response to the objection must be filed and service must be completed no later than **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: March 31, 2011.

LEWIS AND ROCA LLP

By s/John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

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Attorneys for the USACM Liquidating Trust

Copy of the foregoing mailed by first
class postage prepaid U.S. Mail on
March 31, 2011 to all parties listed on
Exhibit A attached to the objection.

LEWIS AND ROCA LLP

s/ Marie H. Mancino
MARIE H. MANCINO